

IC 20-8.1-4

Chapter 4. Limitations on the Employment of Children

IC 20-8.1-4-0.5

Chapter not applicable to parents who employ own child

Sec. 0.5. This chapter does not apply to a parent who employs the parent's own child or a person standing in place of a parent who employs a child in the person's custody, except for those provisions concerning underage employment (IC 20-8.1-4-21(a)), employment during school hours (IC 20-8.1-4-21(b)), and employment in hazardous occupations designated by federal law (IC 20-8.1-4-25).
As added by P.L.122-2001, SEC.1.

IC 20-8.1-4-1

Employment certificate required

Sec. 1. It is unlawful for any person, firm, limited liability company, or corporation to hire, employ, or permit any child who is more than fourteen (14) years of age and less than eighteen (18) years of age to work in any gainful occupation until the person, firm, limited liability company, or corporation has secured, and placed on file in its office, an employment certificate issued by the proper issuing officer under this chapter.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.126-1990, SEC.1; P.L.8-1993, SEC.257.

IC 20-8.1-4-2

Exceptions to requirement of employment certificate

Sec. 2. Exceptions to requirement of employment certificate. (a) No employment certificate is required for a child who is fourteen (14) years of age or older and less than eighteen (18) years of age to perform farm labor or domestic service or to act as a caddie for a person playing the game of golf or as a newspaper carrier. However, this exemption applies only when a child is engaged in an occupation listed in this section during the hours when the child is not required to be in school.

(b) No employment certificate is required for a child under eighteen (18) years of age who works as an actor or performer if the provisions of IC 20-8.1-4-21.5 are met.

(c) No employment certificate is required for a child under eighteen (18) years of age who has graduated from high school.

(Formerly: Acts 1973, P.L.218, SEC.1; Acts 1975, P.L.234, SEC.1.) As amended by Acts 1977, P.L.244, SEC.1; P.L.126-1990, SEC.2.

IC 20-8.1-4-3

Employment certificate; effect on attendance requirement

Sec. 3. (a) Any child who is fourteen (14) years of age or older and less than sixteen (16) years of age may withdraw from school if:

- (1) he is issued a lawful employment certificate by the bureau of child labor; and
- (2) a joint agreement was reached by the issuing officer and the

parent or guardian concerning employment of the child.
The issuing officer shall notify the employer in writing that the child has been permitted to withdraw from school and is not in violation of the compulsory attendance laws, IC 20-8.1-3.

(b) Any child who withdraws from school under this chapter shall return to school within five (5) days after termination of the employment for which the certificate was issued.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by Acts 1977, P.L.244, SEC.2; P.L.37-1985, SEC.4.

IC 20-8.1-4-4

Issuing officer

Sec. 4. (a) The issuing officer in each accredited school (as described in IC 20-1-1-6(a)(5)) shall be an individual who is:

(1) a guidance counselor, a school social worker, or (if the attendance officer is a teacher licensed by the state board of education under IC 20-6.1-3) an attendance officer for the school corporation; and

(2) designated in writing by the principal.

(b) During the times in which the individual described in subsection (a)(1) is not employed by the school or when school is not in session, there shall be an issuing officer available who is a teacher licensed by the state board of education under IC 20-6.1-3, and whose identity and hours of work shall be determined by the principal.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by Acts 1977, P.L.244, SEC.3; P.L.37-1985, SEC.5; P.L.234-1999, SEC.1.

IC 20-8.1-4-5

Optional employment certificate; issuance mandatory

Sec. 5. Optional Employment Certificate; Issuance Mandatory. Whenever any employer desires to employ a person who represents his age to be between eighteen (18) and twenty-one (21) years, he may request the issuing officer to issue a certificate for the prospective employee. It is the duty of the issuing officer to issue a certificate when an employer makes a request under this section.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.126-1990, SEC.3.

IC 20-8.1-4-6 Repealed

(Repealed by Acts 1977, P.L.244, SEC.11.)

IC 20-8.1-4-7

Documents required before issuance of certificate

Sec. 7. (a) Documents Required Prior to Issuance of Certificate. An issuing officer may issue a certificate only to a child whose employment is necessary and only after receipt of the following two (2) documents:

(1) Proof of age as prescribed under section 8 of this chapter.

(2) Proof of prospective employment as prescribed under

section 11 of this chapter.

(b) A child seeking an employment certificate from a school the child does not attend must also present to the issuing officer a written statement that:

- (1) is from the school the child does attend; and
- (2) attests to the child's acceptable academic performance and attendance.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by Acts 1977, P.L.244, SEC.4; P.L.106-1992, SEC.1.

IC 20-8.1-4-8

Proof of age

Sec. 8. (a) As proof of age, the issuing officer shall require one (1) of the following documents:

- (1) A birth certificate or duly attested transcript of a birth certificate issued by the registrar of vital statistics or any other officer charged with the duty of recording births. The registrar has a duty to issue a certificate or transcript as required under this subsection free of charge. School records of age which have been verified by a birth certificate may be substituted by the issuing officer for a birth certificate.
- (2) A baptismal certificate or a transcript of the record of baptism duly certified showing the child's date of birth and place of baptism.
- (3) A bona fide contemporary record of the child's birth, comprising a part of the family record of births in the Bible or other documentary evidence satisfactory to the department of labor, including a certificate of arrival in the United States issued by United States immigration officers and showing the child's age or a life insurance policy. Other documentary evidence under this subdivision must have been in existence for at least one (1) year.
- (4) A sworn statement by a public health physician, a public school physician, or the superintendent stating, in the opinion of the signatory, the child's physical age. This statement shall show the child's height and weight and other facts upon which the signatory's opinion is based. The physician's or superintendent's statement shall be accompanied by a statement of the child's age signed by his parent and by available school records.

(b) The different documents which may constitute proof of age under this section are listed in preferential order. The issuing officer shall require the document of age under subsection (a)(1) in preference to a document under subsection (a)(2), (a)(3), or (a)(4). To avoid delay, the documents under subsection (a)(2), (a)(3), or (a)(4) may be accepted if the issuing officer files a written statement that verification of date of birth has been requested from the appropriate governmental agency but has not been received.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by Acts 1977, P.L.244, SEC.5; P.L.37-1985, SEC.6.

IC 20-8.1-4-9**Repealed**

(Repealed by Acts 1977, P.L.244, SEC.11.)

IC 20-8.1-4-10**Repealed**

(Repealed by Acts 1977, P.L.244, SEC.11.)

IC 20-8.1-4-11**Proof of prospective employment**

Sec. 11. Proof of Prospective Employment. (a) As proof of prospective employment, the issuing officer shall require a written statement signed by the person for whom the child is to work, setting forth the nature of work which the child is to perform.

(b) When a child's employment terminates, the employer shall immediately notify the issuing officer in writing of the termination and the date on which it occurred. This notice shall be on a blank form attached to the child's employment certificate.

(c) It is unlawful for an issuing officer to issue a subsequent certificate until he has:

- (1) received a termination notice from the current employer; or
- (2) otherwise determined that the child's employment has terminated.

(d) An employment certificate may be used at not more than two (2) locations within the same enterprise if the enterprise complies with the hour restrictions prescribed in section 20 of this chapter.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by Acts 1977, P.L.244, SEC.6; P.L.106-1992, SEC.2.

IC 20-8.1-4-12**Employment certificate; denial; distribution of copies; appeal**

Sec. 12. (a) Upon presentation of the documents required by section 7 of this chapter, an employment certificate shall be issued immediately to the child. However, an issuing officer may deny a certificate to a child:

- (1) whose attendance is not in good standing; or
- (2) whose academic performance does not meet the school corporation's standard.

(b) Within five (5) days, the issuing officer shall send a copy of the employment certificate to the department of labor. The issuing officer shall keep a record in his office of each employment certificate issued.

(c) A student may appeal the denial of a certificate under subsection (a) to the school principal.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by Acts 1977, P.L.244, SEC.7; P.L.37-1985, SEC.7; P.L.106-1992, SEC.3.

IC 20-8.1-4-13**Employment certificate; revocation**

Sec. 13. (a) The state board of education or the department of

labor may revoke an employment certificate at any time, if, in the judgment of either, the certificate was improperly issued or if either has knowledge that the child involved is or was illegally employed. In order to determine when a child is illegally employed, the state board of education and the department of labor and their agents are authorized to investigate the true age of any minor who is employed, to subpoena witnesses, to hear evidence, and to require the production of relevant books or documents.

(b) When an employment certificate is revoked under this section, the issuing officer and the child's employer shall be notified in writing. This notice may be delivered in person or by registered mail. Immediately after receiving notice of revocation, the employer shall return the certificate to the issuing officer. A child whose employment certificate has been revoked may not be employed or permitted to work until he has legally obtained a new certificate.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.20-1984, SEC.91; P.L.37-1985, SEC.8.

IC 20-8.1-4-14

Form for certificates; rules

Sec. 14. Employment certificates shall be issued in a form approved by, and under rules adopted by, the department of labor and the state board of education. The style of the form and the rules adopted under this section shall be consistent with this chapter and shall promote uniformity and efficiency in its administration.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.20-1984, SEC.92; P.L.37-1985, SEC.9.

IC 20-8.1-4-15

Employment certificate; contents

Sec. 15. Employment Certificate; Contents. Each employment certificate shall set forth the full name and the date and place of birth of the child, the name and address of the child's parents, the name and address of the employer, and the nature of the work which the child is to perform. It shall certify that the child has appeared before the issuing officer and that he has submitted the proof of age and prospective employment as required under this chapter. The issuing officer may require the presence of the child's parents before issuing the certificate.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by Acts 1977, P.L.244, SEC.8.

IC 20-8.1-4-16

Preparation of forms

Sec. 16. All blank forms necessary to carry out this chapter shall be prepared by the department of labor and supplied to the several issuing officers. Funds to pay expenses incurred by the department of labor in printing and distributing these forms are appropriated annually out of any money in the general fund of the state that is not otherwise appropriated.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.37-1985, SEC.10.

IC 20-8.1-4-17

Investigatory power

Sec. 17. Investigatory Power. Any officer charged with the enforcement of this chapter may inquire into the true age of any young person who is employed or permitted to work in any occupation and for whom no employment certificate is on file. If an officer finds that the age of the individual investigated is below the age authorized for workers without employment certificates under this chapter, the employment of that individual, or the fact that he is permitted to work, shall be prima facie evidence of unlawful employment.

(Formerly: Acts 1973, P.L.218, SEC.1.)

IC 20-8.1-4-18

Mandatory medical examination; limitation; exception

Sec. 18. (a) Whenever the department of labor requires, a child who is:

(1) fourteen (14) years of age or older and less than eighteen (18) years of age; and

(2) at work in any occupation for which an employment certificate is required under sections 1 and 2 of this chapter; shall submit to a physical examination. This examination shall be conducted by a medical inspector of the department of labor or by a physician designated by the department. A female is entitled to have this examination made by a person of her own sex. No employer shall require, or attempt to require, a female to submit to a physical examination by a person of the opposite sex.

(b) The result of every examination conducted under this section shall be recorded on a printed form furnished by the department of labor. All examination reports shall be kept on file at the office of the department of labor.

(c) The department of labor may not require a child to undergo a medical examination under this chapter when his parents object on religious grounds. A religious objection consists of a good faith reliance on spiritual means or prayer for healing. A religious objection will not be effective unless it is made in writing, signed by the child's parents, and delivered to the department of labor.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.37-1985, SEC.11; P.L.126-1990, SEC.4.

IC 20-8.1-4-19

Employment certificate; medical revocation

Sec. 19. (a) If any child fails to submit to a medical examination as may be required under section 18 of this chapter, or if, on examination, the medical inspector finds him to be physically unfit to be employed in the work in which he is engaged and files a report to that effect, the department of labor shall revoke the child's

employment certificate.

(b) Written notice of a revocation under this section shall be served on the issuing officer and the child's employer. Notice shall be served in person or by registered mail. Immediately after receiving notice of a revocation under this section, the employer shall deliver the revoked certificate to the department of labor. A child whose certificate has been revoked under this section may obtain a new certificate if he is found, after physical examination, to be physically fit for the new occupation in which he proposes to engage.

(c) A report of physical unfitness submitted under this section shall be kept on file in the office of the department of labor.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.37-1985, SEC.12.

IC 20-8.1-4-20

Limitations on time and duration of employment

Sec. 20. (a) This section applies only to occupations for which a child who is fourteen (14) years of age or older and less than eighteen (18) years of age must obtain an employment certificate under this chapter.

(b) As used in this section, "nonschool week" refers to a week that contains two (2) or less school days.

(c) As used in this section, "school day" refers to a day that contains more than four (4) hours of classroom instruction.

(d) As used in this section, "school week" refers to a week that contains three (3) or more school days.

(e) The following apply only to a child who is at least fourteen (14) years of age and less than sixteen (16) years of age:

(1) The child may not work before 7:00 a.m. or after 7:00 p.m. However, the child may work until 9:00 p.m. from June 1 through Labor Day.

(2) The child may not work:

(A) more than three (3) hours on a school day;

(B) more than eighteen (18) hours in a school week;

(C) more than eight (8) hours on a nonschool day; or

(D) more than forty (40) hours in a nonschool week.

(f) A child who is at least sixteen (16) years of age and less than seventeen (17) years of age may not:

(1) work for more than eight (8) hours in any one (1) day;

(2) work for more than thirty (30) hours in any one (1) week;

(3) work for more than six (6) days in any one (1) week; or

(4) begin a work day before 6:00 a.m.

(g) A child who is at least seventeen (17) years of age and less than eighteen (18) years of age may not:

(1) work for more than eight (8) hours in any one (1) day;

(2) work for more than thirty (30) hours in any one (1) week;

(3) work for more than six (6) days in any one (1) week; or

(4) begin a work day before 6:00 a.m. on a school day.

(h) A child who is at least sixteen (16) years of age and less than eighteen (18) years of age may work until 10:00 p.m. on nights that

are followed by a school day in any occupation except those which the commissioner of labor determines to be dangerous to life or limb or injurious to health or morals.

(i) An employer may employ a child who is at least sixteen (16) years of age and less than seventeen (17) years of age to work until midnight if:

- (1) the work will be performed:
 - (A) during a nonschool week; or
 - (B) on days that are not followed by a school day; and
- (2) the employer has:
 - (A) obtained written permission from a child's parent or legal guardian; and
 - (B) placed the written permission on file in the employer's office.

(j) An employer may employ a child who is at least sixteen (16) years of age and less than eighteen (18) years of age up to forty (40) hours during a school week if the employer has:

- (1) obtained written permission from a child's parent or legal guardian; and
- (2) placed the written permission on file in the employer's office.

(k) If an employer has obtained written permission required under subsection (j), the employer may employ a child who is at least sixteen (16) years of age but less than eighteen (18) years of age for periods that do not exceed a total of nine (9) hours in any one (1) day and a total of forty-eight (48) hours in any one (1) nonschool week.

(l) A child who is seventeen (17) years of age or older but less than eighteen (18) years of age may work until 11:30 p.m. on nights that are followed by a school day if the employer has obtained written permission from the child's parent or legal guardian and placed the permission on file in the employer's office. A child covered by this subsection may work until 1 a.m. the following day if the employer has obtained written permission from the child's parent or legal guardian and placed the permission on file in the employer's office. However, the nights followed by a school day on which a child works until 1 a.m. the following day may not be consecutive and may not exceed two (2) nights per week.

(m) Children who are sixteen (16) years of age or older and less than eighteen (18) years of age may be employed the same daily and weekly hours and at the same times of day as adults if they fit into any one (1) of the following categories:

- (1) They are a high school graduate.
- (2) They have completed an approved vocational or special education program.
- (3) They are not enrolled in a regular school term.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by Acts 1977, P.L.244, SEC.9; P.L.126-1990, SEC.5; P.L.106-1992, SEC.4; P.L.234-1999, SEC.2.

Occupations for which children under 18 may be employed

Sec. 20.5. (a) This section applies to occupations for which a child less than eighteen (18) years of age may be employed or allowed to work under this chapter, but does not apply to children subject to:

- (1) section 2 of this chapter; or
- (2) section 20(m)(2) or 20(m)(3) of this chapter.

(b) A person, firm, limited liability company, or corporation that employs a child less than eighteen (18) years of age shall provide the child one (1) or two (2) rest breaks totaling at least thirty (30) minutes if the child is scheduled to work at least six (6) consecutive hours.

As added by P.L.122-2001, SEC.2. Amended by P.L.199-2003, SEC.1.

IC 20-8.1-4-21**Children under ages 14 and 18; employment limitations and prohibitions; exceptions**

Sec. 21. (a) No child who is less than fourteen (14) years of age may be employed or allowed to work in any gainful occupation except as a farm laborer, as a domestic service worker, as a caddie for persons playing the game of golf, or as a newspaper carrier. No child who is less than twelve (12) years of age may be permitted to work at farm labor except on a farm operated by his parents.

(b) Except as provided in section 21.5 of this chapter, a person, firm, limited liability company, or corporation may not employ or permit any child less than eighteen (18) years of age to work in any occupation after 7:30 a.m. and before 3:30 p.m. on a school day unless the child presents to the employer a written exception issued by the school that the child attends.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by Acts 1977, P.L.244, SEC.10; P.L.106-1992, SEC.5; P.L.8-1993, SEC.258.

IC 20-8.1-4-21.5**Permitted child employment; exception**

Sec. 21.5. Nothing contained in this chapter may prevent any child, regardless of age, from appearing for the purpose of singing, playing, or performing in any studio, circus, theatrical, or musical exhibition, concert, or festival, in radio and television broadcasts, or as a live or photographic model. Employment certificates are not required for employment or appearances, but no child under eighteen (18) years of age may be employed except under the following conditions:

- (1) The activities enumerated must not be detrimental to the life, health, safety, or welfare of the child.
- (2) The activities enumerated must not interfere with the schooling of the child and provision shall be made for education equivalent to full-time school attendance in the public schools for children under sixteen (16) years of age.
- (3) A parent or guardian shall accompany each child under sixteen (16) years of age at all rehearsals, appearances, and

performances.

(4) The employment or appearance must at no time be in a cabaret, dance hall, night club, tavern, or other similar place.
(Formerly: Acts 1975, P.L.234, SEC.2.) As amended by P.L.126-1990, SEC.6.

IC 20-8.1-4-22

Employment

Sec. 22. The employment of children in the Indiana School for the Deaf and the Indiana School for the Blind is subject to the general restrictions imposed on child labor under this chapter.
(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by Acts 1979, P.L.130, SEC.17; P.L.69-1999, SEC.9.

IC 20-8.1-4-23

Employer required to post notice

Sec. 23. (a) Every person, firm, corporation, or company which employs any child who is fourteen (14) years of age or older and less than eighteen (18) years of age in an occupation for which the child must obtain an employment certificate shall post and keep posted, in a conspicuous place or in places where notices to employees are customarily posted, a printed notice. This notice shall state:

- (1) the maximum number of hours these children may be employed or permitted to work in each day of the week; and
- (2) the hours of beginning and ending each day.

The printed forms for this notice shall be furnished by the department of labor.

(b) The employment of children for a longer time on any day than is stated in the notice is a violation of this chapter.
(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.37-1985, SEC.13; P.L.126-1990, SEC.7; P.L.106-1992, SEC.6; P.L.234-1999, SEC.3.

IC 20-8.1-4-24

Repealed

(Repealed by P.L.106-1992, SEC.13.)

IC 20-8.1-4-25

Hazardous occupations designated by federal law

Sec. 25. The department of labor shall prohibit children who are less than eighteen (18) years of age from working in any hazardous occupation which is so designated under the child labor provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-219).

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.37-1985, SEC.14; P.L.3-1989, SEC.119; P.L.106-1992, SEC.7.

IC 20-8.1-4-25.5

Children employed after 10 p.m. and before 6 a.m.

Sec. 25.5. (a) This section does not provide an exception to the

limit on the number of hours a child is permitted to work under section 20 of this chapter.

(b) It is unlawful for a person, firm, limited liability company, or corporation to permit a child who is:

(1) less than eighteen (18) years of age; and

(2) employed by the person, firm, limited liability company, or corporation;

to work after 10 p.m. and before 6 a.m. in an establishment that is open to the public, unless another employee at least eighteen (18) years of age also works in the establishment during the same hours as the child.

(c) A violation of subsection (b) is a hazardous occupation violation subject to section 31(a)(6) of this chapter.

As added by P.L.199-2003, SEC.2.

IC 20-8.1-4-26

Hazardous occupations; exception; certain instruction

Sec. 26. Hazardous Occupations; Exception; Certain Instruction. Nothing in this chapter shall prevent any student from working on a properly guarded machine in the training department of any school when an instructor provides personal supervision.

(Formerly: Acts 1973, P.L.218, SEC.1.)

IC 20-8.1-4-27

Repealed

(Repealed by P.L.106-1992, SEC.13.)

IC 20-8.1-4-28

Repealed

(Repealed by P.L.37-1985, SEC.60.)

IC 20-8.1-4-29

Enforcement

Sec. 29. (a) It is the duty of the department of labor and its authorized inspectors and agents to enforce this chapter and to ensure that all violators are prosecuted. The department of labor and its inspectors and agents may visit and inspect, at all reasonable hours and as often as practicable and necessary, all establishments that are affected by this chapter.

(b) It is unlawful for any person to interfere with, obstruct, or hinder any inspector or agent of the department of labor while they are performing their duties or to refuse to properly answer questions asked by an inspector or agent of the department.

(c) When requested in writing by the department of labor, the attorney general of the state shall assist the prosecuting attorney in the prosecution of persons charged with a violation of this chapter.
(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by P.L.37-1985, SEC.15.

IC 20-8.1-4-30

Employment certificate; obtaining

Sec. 30. This chapter applies to all persons under the age of eighteen (18) years who are employed or are seeking employment in Indiana. A person under eighteen (18) years of age who is a resident of Indiana and who requires an employment certificate shall obtain it from the issuing officers of the accredited school (as described in IC 20-1-1-6(a)(5)) that the person attends. If a resident of Indiana under eighteen (18) years of age who does not attend an accredited school requires an employment certificate, the person shall obtain the certificate from an issuing officer of the school corporation in which the person resides or from an issuing officer (as described in section 4 of this chapter) designated by the school corporation in which the person resides. A person under eighteen (18) years of age who is not a resident of Indiana and who requires an employment certificate to work in Indiana shall obtain it from the issuing officer of the school corporation in which such person is employed or is seeking employment. However, the judge of a court with juvenile jurisdiction may suspend the application of this chapter in cases involving juvenile delinquents or incorrigibles whenever, in the opinion of the judge, the welfare of any child warrants this action.

*(Formerly: Acts 1973, P.L.218, SEC.1; Acts 1973, P.L.222, SEC.3.)
As amended by P.L.234-1999, SEC.4.*

IC 20-8.1-4-31**Civil penalties; second and subsequent offenses; employment of youth fund**

Sec. 31. (a) A person, firm, limited liability company, or corporation that violates this chapter may be assessed the following civil penalties by the department of labor:

(1) For an employment certificate violation under section 1 or 13 of this chapter, the following:

(A) A warning letter for any violations identified during an initial inspection.

(B) Fifty dollars (\$50) per instance for a second violation identified in a subsequent inspection.

(C) Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection.

(D) One hundred dollars (\$100) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(2) For a posting violation under section 23 of this chapter, the following:

(A) A warning letter for any violations identified during an initial inspection.

(B) Fifty dollars (\$50) per instance for each violation identified in a subsequent inspection.

(C) Seventy-five dollars (\$75) per instance for a third

violation that is identified in a subsequent inspection.

(D) One hundred dollars (\$100) per instance for a fourth or subsequent violation that:

- (i) is identified in an inspection subsequent to the inspection under clause (C); and
- (ii) occurs not more than two (2) years after a prior violation.

(3) For a termination notice violation under section 11 of this chapter, the following:

(A) A warning letter for any violations identified during an initial inspection.

(B) Fifty dollars (\$50) per instance for each violation identified in a subsequent inspection.

(C) Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection.

(D) One hundred dollars (\$100) per instance for a fourth or subsequent violation that:

- (i) is identified in an inspection subsequent to the inspection under clause (C); and
- (ii) occurs not more than two (2) years after a prior violation.

(4) For an hour violation of not more than thirty (30) minutes under section 20 of this chapter, the following:

(A) A warning letter for any violations identified during an initial inspection.

(B) Fifty dollars (\$50) per instance for each violation identified in a subsequent inspection.

(C) Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection.

(D) One hundred dollars (\$100) per instance for a fourth or subsequent violation that:

- (i) is identified in an inspection subsequent to the inspection under clause (C); and
- (ii) occurs not more than two (2) years after a prior violation.

(5) For an hour violation of more than thirty (30) minutes under section 20 of this chapter, the following:

(A) A warning letter for any violations identified during an initial inspection.

(B) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.

(C) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.

(D) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that:

- (i) is identified in an inspection subsequent to the inspection under clause (C); and
- (ii) occurs not more than two (2) years after a prior violation.

(6) For a hazardous occupation violation under section 25 or

25.5 of this chapter, the following:

(A) A warning letter for any violations identified during an initial inspection.

(B) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.

(C) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.

(D) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(7) For an age violation under section 21 or 21.5 of this chapter, the following:

(A) A warning letter for any violations identified during an initial inspection.

(B) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.

(C) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.

(D) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(8) For each minor employed in violation of section 21(b) of this chapter, the following:

(A) A warning letter for any violations identified during an initial inspection.

(B) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.

(C) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.

(D) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(9) For each violation of section 20.5 of this chapter, the following:

(A) A warning letter for any violations identified during an initial inspection.

(B) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.

(C) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.

(D) Four hundred dollars (\$400) per instance for a fourth or

subsequent violation that:

- (i) is identified in an inspection subsequent to the inspection under clause (C); and
- (ii) occurs not more than two (2) years after a prior violation.

(b) A civil penalty assessed under subsection (a):

- (1) is subject to IC 4-21.5-3-6; and
- (2) becomes effective without a proceeding under IC 4-21.5-3 unless a person requests an administrative review not later than thirty (30) days after notice of the assessment is given.

(c) For purposes of determining whether a second violation has occurred when assessing a civil penalty under subsection (a), a first violation expires one (1) year after the date of issuance of a warning letter by the department of labor under subsection (a).

(d) For purposes of determining recurring violations of this section, each location of an employer shall be considered separate and distinct from another location of the same employer.

(e) There is established an employment of youth fund for the purpose of educating affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter. One-half (1/2) of the fund each year shall be used for the purpose of the education provision of this subsection. This portion of the fund may be used to award grants to provide educational programs. The remaining one-half (1/2) of the fund shall be used each year for the expenses of hiring and salaries of additional inspectors to enforce this chapter under section 29 of this chapter. All inspectors hired to enforce this chapter shall also be available to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter. The fund shall be administered by the department of labor. The expenses of administering the fund shall be paid from money in the fund. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of a state fiscal year does not revert to the state general fund. Revenue received from civil penalties under this section shall be deposited in the employment of youth fund.

(Formerly: Acts 1973, P.L.218, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2007; P.L.106-1992, SEC.8; P.L.1-1993, SEC.181; P.L.8-1993, SEC.259; P.L.234-1999, SEC.5; P.L.122-2001, SEC.3; P.L.199-2003, SEC.3.

IC 20-8.1-4-32

Revocation of employment certificate; review; reissuance; appeal

Sec. 32. (a) An employment certificate issued under this chapter may be revoked by the issuing officer if the issuing officer determines that there has been a significant decrease in any of the following since the issuance of the permit:

- (1) The student's grade point average.

(2) The student's attendance at school.

(b) A student whose employment certificate is revoked under subsection (a) is entitled to a periodic review of the student's grade record or attendance record, or both, to determine whether the revocation should continue. A periodic review may not be conducted less than one (1) time each school year.

(c) If upon review the issuing officer determines that the student's grade point average or attendance, or both, have improved substantially, the issuing officer may reissue an employment certificate to the student.

(d) A student may appeal the revocation of an employment certificate under subsection (a) or the refusal to reissue an employment certificate under subsection (c) to the school principal.

(e) An issuing officer who revokes an employment certificate shall immediately send written notice of the revocation to the child's employer.

As added by P.L.126-1990, SEC.9. Amended by P.L.106-1992, SEC.9.